

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HORIZON COMICS PRODUCTIONS, INC.,)	
)	
)	
Plaintiff(s),)	
)	
-against-)	16-cv-2499-(JPO)
)	
MARVEL ENTERTAINMENT, LLC, ET AL.)	
)	
)	
Defendant(s).)	
)	

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the annexed declaration of Sanford M. Litvack, sworn to on March 25, 2019, and the exhibits annexed thereto; the annexed declaration of Eli Bard, sworn to on March 15, 2019; the annexed declaration of Warren Nung, sworn to on March 19, 2019, and the exhibits annexed thereto; the annexed declaration of William Jemas, Jr., sworn to on October 23, 2018; Defendants' statement, pursuant to Rule 56.1 of the Local Rules for the United States District Courts for the Southern and Eastern Districts of New York; and upon all prior papers and proceedings heretofore had herein, defendants Marvel Entertainment, LLC, MVL Film Finance, LLC, Marvel Worldwide, Inc., DMG Entertainment, LLC, Marvel Studios, LLC, and Walt Disney Studios Motion Pictures (collectively, "Defendants") will move this Court, before the Honorable J. Paul Oetken, United States District Judge, United States District Court, Southern District of New York, at the United States Courthouse, Courtroom 706, 40 Foley Square, New York, New York 10007, at a date and time as shall be set by the Court, for an order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendants summary

judgment and dismissing the complaint of plaintiff Horizon Comics Productions, Inc. (“Plaintiff”) with prejudice and in its entirety, and granting such other and further relief as this Court may deem appropriate.

Pursuant to the agreement of the parties at a January 11, 2019 status conference with the Court, any responsive papers shall be served and filed no later than April 24, 2019, and any reply papers in further support of the motion shall be served and filed no later than May 8, 2019.

Dated: March 25, 2019
New York, New York

/s/ Sanford M. Litvack

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